

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JUST FILM, INC.; RAINBOW BUSINESS  
SOLUTIONS, doing business as  
PRECISION TUNE AUTO CARE;  
BURLINGAME MOTORS, INC.; DIETZ  
TOWING, INC.; THE ROSE DRESS,  
INC.; VOLKER VON GLASENAPP; JERRY  
SU; VERENA BAUMGARTNER; TERRY  
JORDAN; LEWIS BAE; and ERIN  
CAMPBELL, on behalf of  
themselves, the general public  
and those similarly situated,

Plaintiffs,

v.

MERCHANT SERVICES, INC.; NATIONAL  
PAYMENT PROCESSING; UNIVERSAL  
MERCHANT SERVICES, LLC; UNIVERSAL  
CARD, INC.; JASON MOORE; NATHAN  
JURCZYK; ROBERT PARISI; ERIC  
MADURA; FIONA WALSH; ALICYN ROY;  
MBF LEASING, LLC; NORTHERN  
FUNDING, LLC; NORTHERN LEASING  
SYSTEMS, INC.; GOLDEN EAGLE  
LEASING, LLC; LEASE SOURCE-LSI,  
LLC; LEASE FINANCE GROUP, LLC;  
JAY COHEN; LEONARD MEZEI; SARA  
KRIEGER; BRIAN FITZGERALD; SAM  
BUONO; MBF MERCHANT CAPITAL, LLC;  
RBL CAPITAL GROUP, LLC; WILLIAM  
HEALY; JOSEPH I. SUSSMAN; JOSEPH  
I. SUSSMAN, P.C.; and SKS  
ASSOCIATES, LLC,

Defendants.

No. C 10-1993 CW

ORDER GRANTING  
DEFENDANTS' JOINT  
EMERGENCY MOTION  
FOR RELIEF FROM  
AND LEAVE TO SEEK  
RECONSIDERATION OF  
THE COURT'S  
OCTOBER 29, 2012  
ORDER ON  
PLAINTIFFS'  
ADMINISTRATIVE  
MOTION TO SEAL  
(Docket No. 407)

Defendants move for relief from and to seek reconsideration  
of the Court's October 29, 2012 order denying Plaintiffs' motion  
to seal. Defendants represent that they believed that the Court's  
August 31, 2012 order vacating the briefing schedule on  
Plaintiffs' motion for class certification had also vacated the

1 deadline under Civil Local Rule 79-5(d) for Defendants to file a  
2 declaration in support of Plaintiffs' motion to seal, which  
3 related in part to the motion for class certification. Defendants  
4 also represent that certain non-parties have designated the  
5 relevant documents as confidential.

6 Although the August 31, 2012 order did not address the motion  
7 to seal or vacate related deadlines and the motion to seal also  
8 relates to Plaintiffs' motion for leave to file a third amended  
9 complaint, which was unaffected by the prior order and is under  
10 submission, the Court finds good cause to extend the deadline for  
11 Defendants to file a declaration in support of Plaintiffs' motion  
12 to seal, GRANTS Defendants' request to extend the deadline to  
13 submit declarations in support of the motion to seal and ORDERS as  
14 follows:

15 The Court VACATES the October 29, 2012 order denying  
16 Plaintiffs' motion to seal.

17 Within three days of the date of this Order, Plaintiffs shall  
18 file a sworn declaration setting forth, in a table in a format  
19 similar to this example, which party or non-party has designated  
20 as sealable each document, or portion thereof, at issue in the  
21 motion to seal:

<u>Document</u>	<u>Portion</u>	<u>Designating Party</u>
Doe declaration	None	N/A
Exhibit A	All	Defendant [name(s)]
Exhibit A	1:18-2:5	Non-party [name(s)]
Exhibit B	1-2	Plaintiff [name(s)]
Exhibit B	3-10	None

1 At that time, Plaintiffs also shall submit the declaration in a  
2 word processing format to the Court's proposed order email box,  
3 cwPO@cand.uscourts.gov. By that date, Plaintiffs shall serve all  
4 non-parties who have designated any of the material as  
5 confidential with a copy of the motion to seal, the relevant  
6 material, Local Rule 79-5 and this Order, and shall file a  
7 certificate of service showing that they have done so. If  
8 Plaintiffs do not comply with the terms of this Order, the Court  
9 will not consider the material at issue in the motion to seal in  
10 connection with their motions for leave to file a third amended  
11 complaint and for class certification.

12 Within seven days of the date of service, non-parties shall  
13 file with the Court a declaration establishing that the designated  
14 information is sealable or withdrawing the designation of  
15 confidentiality. Failure to do so will result in the information  
16 designated as confidential by that non-party being made part of  
17 the public record.

18 Defendants are granted leave to file, within seven days of  
19 the date of this Order, declarations establishing that their  
20 designated information is sealable or withdrawing their  
21 designations of confidentiality. To the maximum extent possible,  
22 Defendants shall file a joint declaration on behalf of one or more  
23 Defendants and shall organize their statements in the format of a  
24 table matching that described above. Defendants also shall submit  
25 their declarations in a word processing format to the Court's  
26 proposed order email box, cwPO@cand.uscourts.gov. Failure by the  
27 designating Defendants to file a responsive declaration as  
28

1 required by this Order will result in the information being made  
2 part of the public record.

3 IT IS SO ORDERED.

4  
5 Dated: 10/31/2012

  
CLAUDIA WILKEN  
United States District Judge

United States District Court  
For the Northern District of California